

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case No. 1:07-cv-03614-RPP/RLE

HUDSON REALTY CAPITAL FUND III LP,
HRC FUND III POOLING DOMESTIC LLC,
and HRC FUND III POOLING REIT, LLC,

Plaintiffs,

v.

MILLENNIA LUXURY CONDOMINIUMS
(FLORIDA) LLC, EDUARDO AVILA and
JACK KAPLAN,

Defendants

MEMO ENDORSED

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/7/08

WITHDRAWAL OF DEFENDANTS' MOTION TO DISMISS

Millenia Luxury Condominiums (Florida) LLC, Eduardo Avila and Jack Kaplan, Defendants, as a result of a ruling in a companion case pending in the United States District Court for the Southern District of Florida, hereby withdraw with prejudice their previously filed Motion to Dismiss [C.P.# 5]. The Defendants will respond to the Complaint on or before January 8, 2008.

Dated: December 31, 2007.

Respectfully submitted,

ADORNO & YOSS LLP
Attorneys for Defendants

By: /s/Stephen C. Hunt

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SEE TYPEWRITTEN MEMO
ENDORSEMENT ATTACHED

*Defendants' motion to
Dismiss or Transfer the
Case to the Southern District
of Florida is withdrawn.
And therefore, is no longer
pending is ordered*

1212647.00077N06959251

1/3/08 *Chief P. Platten*
USDC

MICROFILMED

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Scanned by chambers on 1/18/08

Case: Hudson Realty Capital Fund III v. Millenia Luxury Condominium, et al.
Index No. 07 Civ. 3614 (RPP)

MEMO ENDORSEMENT READS:

Defendants' motion to Dismiss or Transfer the case to the Southern District of Florida is withdraw and, therefore, is no longer pending.

So ordered.

Robert P. Patterson, Jr., U.S.D.J., 1/3/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case No. 1:07-cv-03614-RPP/RLE

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DOMESTIC LLC, and HRC FUND III
POOLING REIT, LLC,

Plaintiffs,

v.

MILLENIA LUXURY CONDOMINIUMS
(FLORIDA) LLC, EDUARDO AVILA and
JACK KAPLAN,

Defendants.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 31, 2007 and in accordance with Local Civil Rule 5.3(a), I caused a true and correct copy of the Withdrawal of the Defendants' Motion to Dismiss to be served by first class mail, in a sealed envelope, with fully pre-paid delivery charges affixed thereto, upon:

Howard E. Cotton, Esq.
Michael S. Gordon, Esq.
Katten Muchin Rosenman LLP
575 Madison Avenue
New York, NY 10022

Dated: December 31, 2007

ADORNO & YOSS LLP
Attorneys for Defendants

By: /s/ Stephen C. Hunt
Stephen C. Hunt (SH 6603)
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Motions

1:07-cv-03614-RPP Hudson Realty Capital Fund III, LP et al v. Millenia Luxury Condominius Florida, LLC et al

ECF

U.S. District Court**United States District Court for the Southern District of New York****Notice of Electronic Filing**

The following transaction was entered by Hunt, Stephen on 12/31/2007 at 10:52 AM EST and filed on 12/31/2007

Case Name: Hudson Realty Capital Fund III, LP et al v. Millenia Luxury Condominius Florida, LLC et al

Case Number: 1:07-cv-3614

Filer: Millenia Luxury Condominius Florida, LLC
Uduardo Avila
Jack Kaplan

Document Number: 16

Docket Text:

EX PARTE MOTION to Withdraw [5] MOTION to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) or, in the Alternative, to Transfer the Case to the United States District Court for the Southern District of Florida. MOTION to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) or, in the Alternative, to Transfer the Case to the United States District Court for the Southern District of Florida.. Document filed by Uduardo Avila, Jack Kaplan, Millenia Luxury Condominius Florida, LLC. (Attachments: # (1) Certificate of Service)(Hunt, Stephen)

1:07-cv-3614 Notice has been electronically mailed to:

Michael Steven Gordon michael.gordon@kattenlaw.com

Stephen C. Hunt shunt@adorno.com, sch.ecfnotices@yahoo.com

1:07-cv-3614 Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp: